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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-284

13 **JUSTIN DOUGLAS LEBER**
14 5771 Dexter Circle
Rohnert Park, California 94928

A C C U S A T I O N

15 Registered Nurse License No. 664895

16 Respondent.

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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 **License History**

24 2. On or about September 1, 2005, the Board issued Registered Nurse
25 License Number 664895 ("license") to Justin Douglas Leber ("Respondent"). The license will
26 expire on November 30, 2010, unless renewed.

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1 **JURISDICTION**

2 3. Section 2750 of the Business and Professions ("Code") provides, in
3 pertinent part, that the Board may discipline any licensee, including a licensee holding a
4 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
5 section 2750) of the Nursing Practice Act.

6 4. Code section 2764, in pertinent part, that the expiration of a license shall
7 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
8 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
9 subdivision (b), the Board may renew an expired license at any time within eight years after the
10 expiration.

11 5. Code section 118, subdivision (b), provides that the suspension,
12 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
13 proceed with a disciplinary action during the period within which the license may be renewed,
14 restored, reissued or reinstated.

15 **STATUTORY PROVISIONS**

16 6. Code section 2761 states, in pertinent part:

17 The board may take disciplinary action against a certified or
18 licensed nurse or deny an application for a certificate or license for
any of the following:

19 (a) Unprofessional conduct, which includes, but is not
20 limited to, the following:

21 (4) Denial of licensure, revocation, suspension,
22 restriction, or any other disciplinary action against a health care
23 professional license or certificate by another state or territory of the
24 United States, by any other government agency, or by another
California health care professional licensing board. A certified
copy of the decision or judgment shall be conclusive evidence of
that action.

25 **COST RECOVERY**

26 7. Code section 125.3 provides, in pertinent part, that the Board may request
27 the administrative law judge to direct a licensee found to have committed a violation or

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1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **CAUSE FOR DISCIPLINE**

4 **(Discipline by Another State Agency)**

5 8. Respondent is subject to disciplinary action under Code section 2761,
6 subdivision (a)(4), on the grounds of unprofessional conduct, in that in a disciplinary action
7 entitled, *In the Matter of Accusation Against: Justin Leber, Vocational Nurse License No. VN*
8 *172647, Case No. 6893, the Board of Vocational Nursing and Psychiatric Technicians ("LVN*
9 *Board")*, Department of Consumer Affairs, State of California, issued a Decision adopting the
10 *Stipulated Surrender of License and Order*, in which Respondent voluntarily surrendered his
11 *Vocational Nurse License No. VN 172647, effective November 22, 2006. The underlying*
12 *circumstances of the discipline are that in 2005, while employed at Turlock Nursing*
13 *Rehabilitation Hospital in Turlock, California, Respondent possessed and self-administered*
14 *Vicodin, a Schedule III controlled substance, which he diverted from hospital supplies.*

15 A copy of the Decision, together with the Stipulated Surrender of License and
16 Order is attached as **Exhibit A**, and is incorporated herein.

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1. Revoking or suspending Registered Nurse License Number 664895 issued to Justin Douglas Leber;
2. Ordering Justin Douglas Leber to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

Ruth Ann Terry
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant